

NOT FOR PUBLICATION

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Jeremy Thacker,

Plaintiff,

v.

GPS Insight LLC, et al.,

Defendants.

No. CV-18-00063-PHX-DJH

ORDER

This matter is before the Court on a number of Motions filed by Plaintiff on November 13, 2018. Plaintiff filed the following: (1) Motion for Leave to File Non-Electronic Document, a thumb drive of audio recordings by Jeremy Thacker (Doc. 124); (2) Motion for Leave to File Excess Pages for Response to Defendants' Motion for Partial Summary Judgment (Doc. 125); (3) Motion for Summary Judgment in the "Alternative" (Doc. 126); and (4) Response to Defendant's Motion for Summary Judgment (Doc. 127).

Both parties filed a Motion for Partial Summary Judgment on September 28, 2018. (Docs. 112 and 113). This was the dispositive motion deadline set in the Scheduling Order. (Doc. 23 at 5). Dispositive motions filed after September 28, 2018 are thus in violation of the Court's Scheduling Order. Moreover, parties are not allowed to file more than one summary judgment motion without leave of the Court. (*See* Doc. 23 at 6, "No party shall file more than one motion for summary judgment under Rule 56 of the Federal Rules of Civil Procedure unless permission is first obtained from the Court."). Therefore,

1 Plaintiff's Alternative Motion for Summary Judgment will be denied as procedurally
2 deficient and in violation of Court Orders and the Local Rules of this District.

3 Plaintiff also filed a Motion to file additional pages. Counsel for Plaintiff states
4 that, "despite efforts," he "could not pare it [the Response] down any further." (Doc. 125
5 at 1). Mr. Silence filed this Motion on November 13, 2018, the day Mr. Silence states
6 that Plaintiff's Response was due¹. Plaintiff had previously obtained a two-week
7 extension of his deadline to file the Response, which the Court approved. (Doc. 122,
8 Order "allowing Plaintiff up to and including November 12, 2018 to file a Response.").
9 Notwithstanding, Plaintiff filed the present Motion to extend page limits on November
10 13, 2018. The Court does not find good cause to allow an extension of page limits and
11 therefore Plaintiff's Motion will be denied. As a result, the Response that Plaintiff filed
12 on November 13, 2018 (Doc. 127) will be stricken. Plaintiff shall have until November
13 15, 2018, to file a Response that complies with the Local Rules and this Order.²

14 Lastly, Plaintiff filed a Motion for leave to file thumb drives purportedly
15 containing audio recordings of Plaintiff. (Doc. 124). It appears that Plaintiff intends for
16 the Court to listen to these recordings in tandem with his Response to Defendants'
17 Motion for Summary Judgment. Plaintiff states that "there are disputes about the
18 accuracy of the transcripts that Defendants' court reporter prepared," and therefore the
19 Plaintiff believes the Court should listen to these audio recordings and sort out the
20 discrepancies. The Court will not spend its time doing this. If Plaintiff disagreed with
21 the transcript prepared by Defendant, there are other ways Plaintiff could have dealt with
22 this issue. The Court will deny this Motion.

23 Accordingly

24 **IT IS HEREBY ORDERED** that Plaintiff's Motion for Leave to File Non-

25 ¹ While November 12, 2018, was a Court Holiday, the parties' stipulation, filed by Mr.
26 Silence, stated to the Court that Plaintiff's Response would be due on November 12,
27 2018. (Doc. 121). Therefore, this is the deadline that the Court Ordered Plaintiff to
Respond.

28 ² The Court notes that it has, on more than one occasion, stricken documents filed by
Plaintiff as being non-compliant with Local Rules and prior Orders of the Court. (Docs.
87 and 94, "*Plaintiff wholly ignored this Court's previous Order and LRCiv 7.1.*").


1 Electronic Document (Doc. 124) is **DENIED**.

2 **IT IS FURTHER ORDERED** that Plaintiff's Motion for Leave to File Excess
3 Pages (Doc. 125) is **DENIED**.

4 **IT IS FURTHER ORDERED** that Plaintiff's Motion for Summary Judgment
5 (Doc. 126) is **DENIED**.

6 **IT IS FINALLY ORDERED** that Plaintiff's Response to Motion for Partial
7 Summary Judgment (Doc. 127) is **STRICKEN** for the reasons stated herein. Plaintiff
8 shall have until **November 15, 2018** to file a Response that complies with this Order and
9 all applicable Rules.

10 Dated this 14th day of November, 2018.

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14 Honorable Diane J. Humetewa
United States District Judge
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